

UNITED STATES DISTRICT COURT
for the
Southern District of Indiana

United States of America

v.

Everett Dupree Hardin

Date of Original Judgment: 01/06/2004

Date of Previous Amended Judgment: _____

(Use Date of Last Amended Judgment if Any)

Case No: 3:03CR00028-001

USM No: 07328-028

None

Defendant's Attorney

**ORDER REGARDING MOTION FOR SENTENCE REDUCTION
PURSUANT TO 18 U.S.C. § 3582(c)(2)**

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ months is reduced to _____.

(Complete Parts I and II of Page 2 when motion is granted)



Except as otherwise provided, all provisions of the judgment dated _____ shall remain in effect.

IT IS SO ORDERED.

Order Date: 02/06/2012

Judge's signature

Effective Date: _____ *

(if different from order date)

The Honorable Richard L. Young

Printed name and title

Addendum to Order Pursuant to 18 U.S.C. § 3582(c)

Cause No. 3:03CR00028-001

Defendant Everett Dupree Hardin

As directed by 18 U.S.C. § 3582(c)(2), the Court has considered the relevant factors in U.S.S.G. § 1B1.10(b) and 18 U.S.C. § 3553(a), and determined a sentence reduction is not appropriate for the following reason(s):

- ☐ 1) The defendant is not eligible for a reduction because the amendments listed in subsection (c) of U.S.S.G. § 1B1.10 are not applicable to the defendant.
- ☒ 2) The amendment is listed in subsection (c) of U.S.S.G. § 1B1.10 and is applicable to the defendant, but it does not have the effect of lowering the defendant's applicable guideline range (e.g. a statutory mandatory minimum term of imprisonment, binding plea agreement, career offender status).
- ☐ 3) The defendant is eligible for a reduction under this amendment, but the Court has determined such a reduction is not appropriate because of the nature and seriousness of the danger to any person or the community that may be posed by a reduction in sentence. (Application Note 1(B) of U.S.S.G. § 1B1.10.)
- ☐ 4) The defendant is eligible for a reduction under this amendment. However, the Court has determined the post-sentencing conduct demonstrates the defendant may pose a danger to any person or the community by a reduction in sentence. (Application Note 1(B) of U.S.S.G. § 1B1.10.)
- ☒ 5) Other (explain)

The defendant's offense level was based on the Career Offender guideline and not on the amount of crack cocaine involved in his offense.
